

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 2362 OF 2006

Nilkanth Mahadeo Gharat. ..Applicant.

Vs.

The State of Maharashtra and anr.

..Respondents.

Mr.A.P.Mundergi, Sr.Advocate i/by Ganesh Gole, Adv. for the applicant.

Mr.S.S.Tatkare, APP. for the Respondent No.1.

Mr.S.M.Kamble, Adv. for the Respondent No.2.

CORAM : R.S. MOHITE, J.

DATED : 26/7/2006.

P.C.

1. This is an application for grant of anticipatory bail. The applicant is shown as an accused in C.R.No.I-213/2006 registered by Kalamboli Police Station, Raigad for alleged offence offences under Section- 147, 148, 149, 342m 387, 364A, 323, 506 of the I.P.C. and under Section-3, 25 and 27 of the Indian Arms Act. On perusal of the F.I.R., it appears that on 21.5.2006 at about 11.00p.m. the complainant Premnath Atmaram Patil was returning back home from his work. At that time, one Jivan Dattu Gharat and Jivan Pandurang Gharat accosted him. Then, Jivan Dattu Gharat caught hold his shirt and enquired about the filing of the case

in the police station against the applicant and kidnapped him. Two more persons joined there and the complainant was put in a jeep. The jeep was driven by one Janardhan Gharat who was from the complainant's village. The complainant was beaten in the jeep and taken in the farm house of the present applicant where three documents were written by the applicant and he was forced to sign those documents under the threats of licensed gun which is owned by the applicant. It was sought to be argued that the complainant had made an affidavit on 8.2.2006 exonerating the present applicant. This affidavit is said to have been executed before the Executive Magistrate, Panvel. The preparation of any such affidavit is denied by the complainant. The police have recorded the statement of the Executive Magistrate which does not indicate that the applicant was personally present before him. Not a fit case for grant of anticipatory bail. Hence, application is rejected.

. The affidavit of the complainant dated 24.7.2006 is already taken on record.

(R. S. MOHITE, J.)